

HB 1578-FN – AS INTRODUCED

2014 SESSION

14-2026
08/03

HOUSE BILL ***1578-FN***

AN ACT relative to record keeping for sold or transferred animals.

SPONSORS: Rep. Gardner, Straf 15

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires licensed animal transferors to keep certain records and submit copies of such records to the director or charitable trusts.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to record keeping for sold or transferred animals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Record Keeping; Licensed Animal Transferors. Amend RSA 437 by inserting
2 after section 8 the following new section:

3 437:8-a Record Keeping; Licensed Animal Transferors.

4 I. Each licensee shall compile and keep on its premises a record of each animal born,
5 accepted, cared for, sold or otherwise transferred, or which died or was euthanized in the licensee's
6 care including the following:

7 (a) The total number of animals accepted by the licensee, divided by species, in the
8 following categories: surrendered by owner; stray; impounds; confiscations; imported into the state
9 from another state; imported into the state from another country; returned after sale or adoption.
10 Feral cats shall be recorded as a separate category from other cats. Species other than domestic cats
11 and domestic dogs shall be recorded as "other."

12 (b) The disposition of all animals taken in, divided by species, in a format determined by
13 the director of charitable trusts. These data shall include: adoptions and sales, reclamation by
14 owner, died in kennel, euthanized at owner's request, transferred to another licensed agency within
15 the state, transferred to a licensed agency in another state, and the number of each species
16 euthanized. The listing of euthanized animals shall include all animals euthanized, with feral cat
17 figures recorded separately from other cats.

18 (c) The total euthanasia percentage based on total intake. The euthanasia percentage
19 shall be calculated by the following formula: Total animals euthanized minus owner requested
20 euthanasia minus feral euthanasia divided by total intakes, minus owner requested euthanasia
21 minus feral cat intakes.

22 (d) Euthanasia totals for each species shall be further broken down into at least the
23 following categories: Medical, too young to survive, too old to survive, euthanized for space,
24 euthanized for temperament, euthanized for breed.

25 (e) Licensees which routinely euthanize dogs based on size or breed alone shall provide a
26 statement of such policy. Dogs euthanized due to breed, temperament or size shall still be recorded
27 as euthanized and shall be included in the calculation of total euthanasia percentage required in
28 subparagraph (c).

29 (f) Breed identification shall be based on clearly defined, accepted dog and cat breed
30 assignments in accordance with the breed standards of a nationally recognized purebred dog or cat
31 registry. Those animals which may appear to be within a family or group, such as terriers, setters,

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1 pointers, herding, or spitz-type dogs, but are not clearly identifiable as a particular breed shall be
2 designated as “No Predominant Breed.”

3 II. For animals transported into New Hampshire for the purpose of sale or transfer, the
4 following information shall be provided to the director of charitable trusts:

5 (a) The original source for each animal, to include state and city of origin, and name and
6 license number of organization sending animal to New Hampshire.

7 (b) The method of transport: the name and license number under RSA 437:3 of the
8 person or organization which transported the animal to New Hampshire, and of the licensed
9 organization that accepted the animal for further sale, adoption or transfer.

10 (c) For how long, and where, the animal was kept quarantined in New Hampshire prior
11 to being offered for sale, adoption, or transfer, as required under RSA 437:10, V.

12 (d) If the animal was dead on arrival, the likely cause of death.

13 III. Each licensee shall submit records, as described in this section, to the director of
14 charitable trusts, semi-annually, by January 1 and July 1 of each year. The director shall store the
15 records as described in this section for a period of 3 years. The director shall make this information
16 available to the public on its website, as soon as practicable upon receipt of such records.

17 2 New Section; Recordkeeping: Licensed Animal Transferors. Amend RSA 7 by inserting after
18 section 29 the following:

19 7:29-a Recordkeeping: Licensed Animal Transferors. All animal transferors licensed under
20 RSA 437:3 shall furnish copies of such records described in RSA 437:8-a to the director of charitable
21 trusts on January 1 and July 1 of each year. The director of charitable trusts shall publish such
22 information on its website available to the public within one month of receiving such records.

23 3 Effective Date. This act shall take effect July 1, 2014.

HB 1578-FN - FISCAL NOTE

AN ACT relative to record keeping for sold or transferred animals.

FISCAL IMPACT:

The Judicial Branch and Department of Justice state this bill, **as introduced**, may increase state expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no fiscal impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill adds RSA 437:8-a regarding required keeping for licensed animal transferors regulated by RSA 437. The fiscal impact of the bill is in RSA 437:9 which is the penalty section of RSA 437 that would govern RSA 437:8-a. Violations of this bill would be an unspecified misdemeanor. Additionally, if the commissioner for the department of agriculture, markets and food were to levy an administrative fine, it could be appealed to the Supreme Court. The Branch has no information to estimate how many additional misdemeanor prosecutions may result but does have the average cost to process each type of case. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. The Branch estimates a class A misdemeanor will cost \$66.17 per case in FY 2015, and \$67.64 per case in FY 2016 and each year thereafter and a class B misdemeanor will cost \$46.99 per case in FY 2015, and \$48.02 per case in FY 2016 and each year thereafter. Any appeals will result in an increase in expenditures. All costs are estimated based on case weight information from the last needs assessment completed in 2005. Since that timeframe there have been various changes that may impact the costs, such as the creation of the circuit court, the increase in self-represented litigants, and the change to presume that an unspecified misdemeanor can be treated as a class B misdemeanor. The Branch has no information to determine how many appeals of administrative fines might occur to the Supreme Court. The Supreme Court has discretionary review of such appeals; therefore whether the court accepts an appeal for full appellate review, accepts it for limited review, or declines the appeal. Any appeal to the Supreme Court will result in increase in expenditures.

The Department of Justice states criminal violations under this bill would typically be prosecuted by the county prosecutor. The Department would be involved in instances of an appeal which may have a fiscal impact. The Department's charitable trust unit would have increased responsibilities associated with reviewing submitted information, preparing documents for posting to the website, monitoring licensees to ensure submission and following

up with those licensees that fail to submit the required information. Additionally, the Department would need to coordinate the referring of violations of this bill to the Department of Agriculture, Markets and Food for administrative enforcement or to another agency for criminal enforcement. The Department has no information to determine the workload associated with this bill to determine if additional staff will be needed.